


RECLAMATION

Managing Water in the West

Categorical Exclusion Checklist

City of Madera Laurel Street Bike Path

CEC-14-024

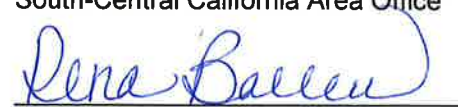
Prepared by:  Date: 9-25-14
Ben Lawrence
Natural Resources Specialist
South-Central California Area Office

Concurred by: See Attachment Date: See Attachment B
Archaeologist/Architectural Historian
Mid-Pacific Regional Office

Concurred by: See Attachment Date: See Attachment C
Native American Affairs Specialist
Mid-Pacific Regional Office

Concurred by:  Date: 9-29-2014
Lisa Carlson
Wildlife Biologist
South-Central California Area Office

Concurred by:  Date: 10/02/2014
Rain Emerson
Supervisory Natural Resources Specialist
South-Central California Area Office

Approved by:  Date: 10/2/2014
Michael Jackson
Area Manager
South-Central California Area Office



Background

The City of Madera (City) has identified an opportunity to expand their recreational trail system with a new bike path connection near the Fresno River (See Figure 1). They have received a Department of Transportation grant to construct the path, and are now in the process of obtaining permits and easements for construction.

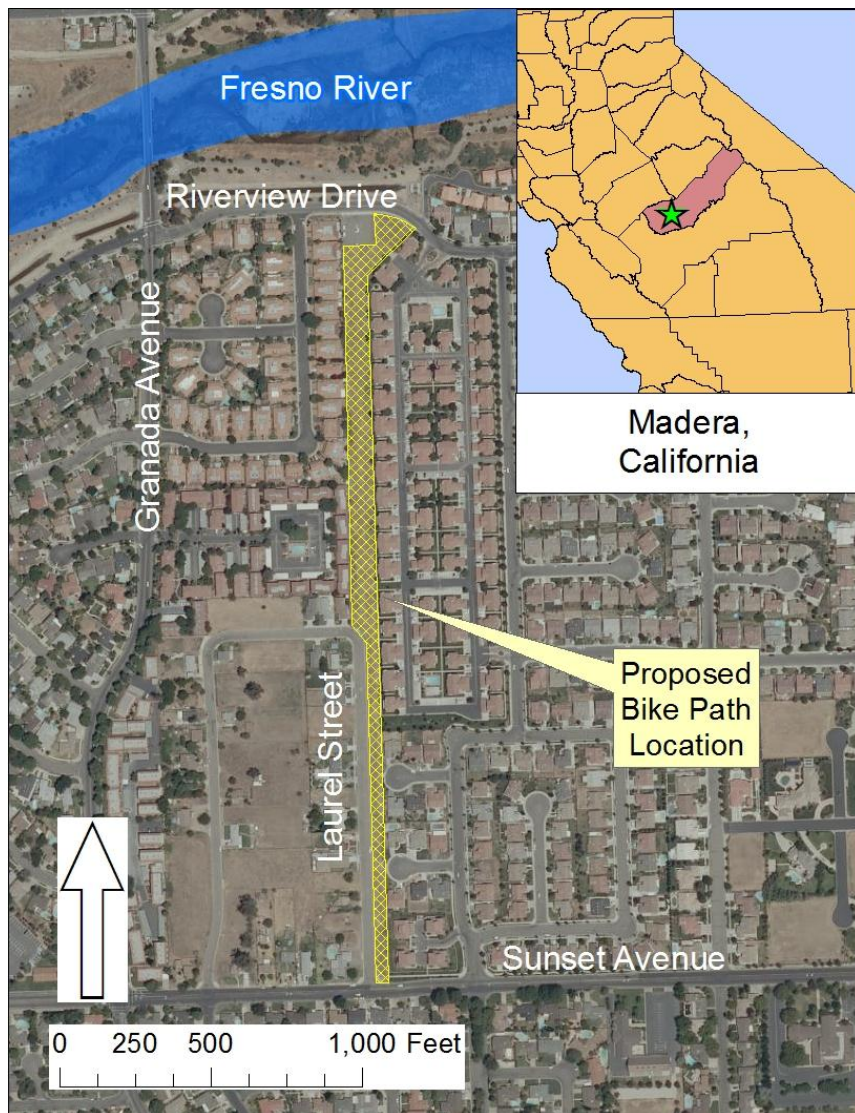


Figure 1 - Project Location

The proposed bike path follows Bureau of Reclamation (Reclamation) Right of Way (ROW) along a 36-inch water supply line, which serves part of the city southwest of the Madera County fairgrounds. Reclamation permission is required to construct and maintain the proposed bike path in Reclamation ROW.

Purpose and Need for Action

The City of Madera has identified a need to link existing recreational facilities. The purpose of Reclamation's action is to facilitate development of a bike path for Madera residents.

Proposed Action

Reclamation proposes to issue a 25-year land use authorization to allow the City of Madera to construct a bike path within Reclamation ROW.

The proposed path would meander through a residential neighborhood. It would begin at Sunset Avenue and follow Laurel Street north. Where Laurel Street curves west, the bike path would continue north behind private homes and end at Riverview Drive, where it would tie into an existing Fresno River trail. The total length of the bike path would be approximately 2,500 feet.

The path would be ten feet wide and constructed of asphalt, with two-foot aggregate shoulders. Access from the south would be from an existing City sidewalk, and access from the north would be by way of the existing Fresno River trail. The city also has plans to improve safety of access by installing a new crosswalk and additional signage to the north. City personnel would close and lock gates at both ends nightly in order to limit off-hour access.

The current vegetation in the Action area is mostly weeds. The City is proposing to clear the vegetation and plant approximately 141 trees along the length of the path. Trees would be planted in excavated pits 36 inches deep with 4-foot mulch circles at the surface. Trees within 5 feet of the bike path or water lines would have root barriers installed. The City is considering a variety of tree species, including Oklahoma redbud, crape myrtle, purple leaf plum, valley oak, red oak and interior live oak.

Individual 1-3/4 inch drip lines would irrigate each tree. The drip lines would be tied in to a 4-inch primary irrigation line running the length of the bike path. The line would be buried 6 inches deep and would connect to an existing manhole at the south end of the project.

At this time, the City anticipates completing the work using a backhoe, dump truck, forklift, and motor grader.

Environmental Commitments

The City of Madera would implement the following environmental commitments to avoid any environmental consequences associated with the Proposed Action (Table 1). Environmental consequences for resource areas assume the measures specified would be fully implemented.

Table 1 Environmental Commitments

Resource	Protection Measure
Biological Resources	Before the start of any ground-disturbing activities associated with the Proposed Action, a qualified biologist shall conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 of the Proposed Action area. A letter report documenting survey methods and findings shall be submitted to Reclamation at least 5 days before construction begins.
Biological Resources	If occupied burrowing owl burrows are found, Reclamation shall be notified and work on the Proposed Action shall not begin until a qualified biologist has established a non-disturbance buffer of 35 feet. The biologist shall remain on-site during construction to monitor the burrow, and may stop construction at any time to avoid impacts to the owls. The buffer shall remain in place until the biologist determines the nest is no longer active.
Biological Resources	If a burrowing owl is observed at the construction site at any time during construction, a temporary non-disturbance buffer of approximately 35 feet shall be observed to establish a safe area for the animal until it leaves the construction area at its own volition.

Exclusion Category

516 DM 14.5 paragraph C (3): *Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.*

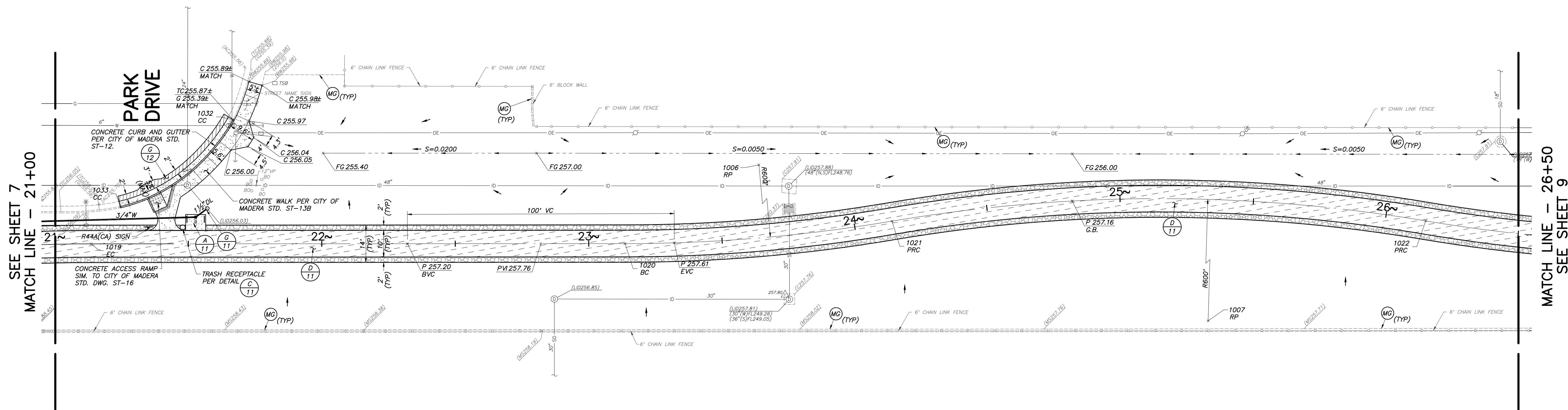
516 DM 14.5 paragraph D (10): *Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Bureau lands where the action does not allow for or lead to a major public or private action.*

Evaluation of Criteria for Categorical Exclusion:

- | | | | |
|---|---|---------------------------------------|---------------------------------|
| 1. This action would have a significant effect on the quality of the human environment (40 CFR 1502.3). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 2. This action would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA Section 102(2)(E) and 43 CFR 46.215(c)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 3. This action would have significant impacts on public health or safety (43 CFR 46.215(a)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 4. This action would have significant impacts on such natural resources and unique geographical characteristics as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215 (b)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 5. This action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215(d)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 6. This action would establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 8. This action would have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by Reclamation (LND 02-01) (43 CFR 46.215 (g)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

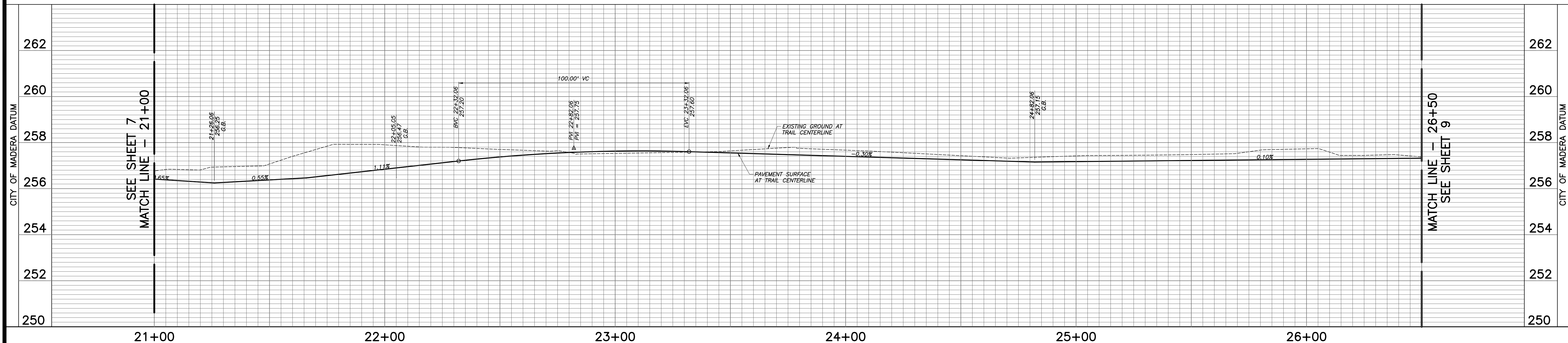
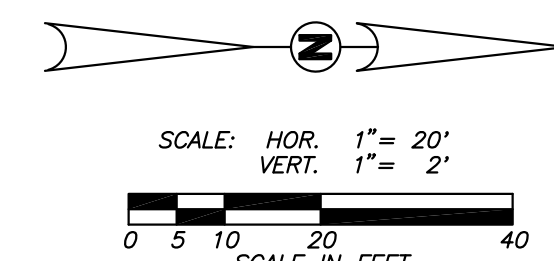
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|--|---|---------------------------------------|---------------------------------|
| 9. This action would have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species (43 CFR 46.215 (h)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 10. This action would violate a Federal, tribal, State, or local law or requirement imposed for protection of the environment (43 CFR 46.215 (i)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 11. This action would affect ITAs (512 DM 2, Policy Memorandum dated December 15, 1993). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 12. This action would have a disproportionately high and adverse effect on low income or minority populations (EO 12898) (43 CFR 46.215 (j)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 13. This action would limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007, 43 CFR 46.215 (k), and 512 DM 3)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |
| 14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, EO 13112, and 43 CFR 46.215 (l)). | No
<input checked="" type="checkbox"/> | Uncertain
<input type="checkbox"/> | Yes
<input type="checkbox"/> |

Attachment A Design Plans



LAUREL STREET BIKE PATH ALIGNMENT

SEE SHEET 2 FOR
NOTES AND LEGEND



Blair,
Church
& Flynn
CONSULTING ENGINEERS
451 Clovis Avenue, Suite 200
Clovis, California 93612
Tel: (559) 326-1400
Fax: (559) 326-1500

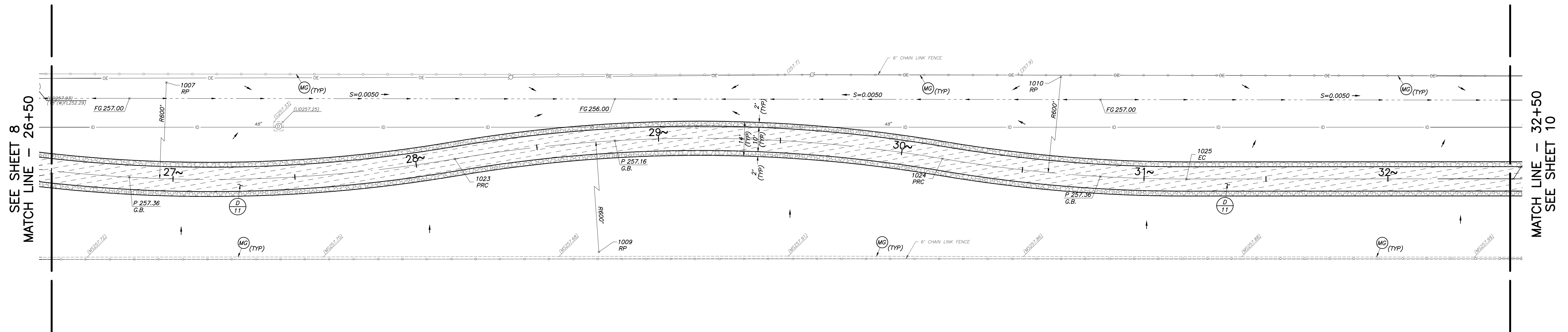
PREPARED BY:

CITY OF MADERA ENGINEERING DEPARTMENT 205 WEST 4th STREET MADERA, CALIFORNIA 93637			SHEET 8 OF 21 SHEETS	
PLAN REVISION			APPROVAL	DATE
INITIAL ISSUE DATE			CITY ENGINEER	
CHANGE			PUBLIC WORKS	
65% SUBMITTAL			PARKS DEPT.	
DESIGNED BY	LRB	CHECKED BY	JDB	
DRAWN BY	JSD	INSPECTED BY		
CONST. DATES	STARTED	COMPLETED		
CONTRACTOR				
WORK ORDER NO.			DRAWING NO.	

PLAN AND PROFILE

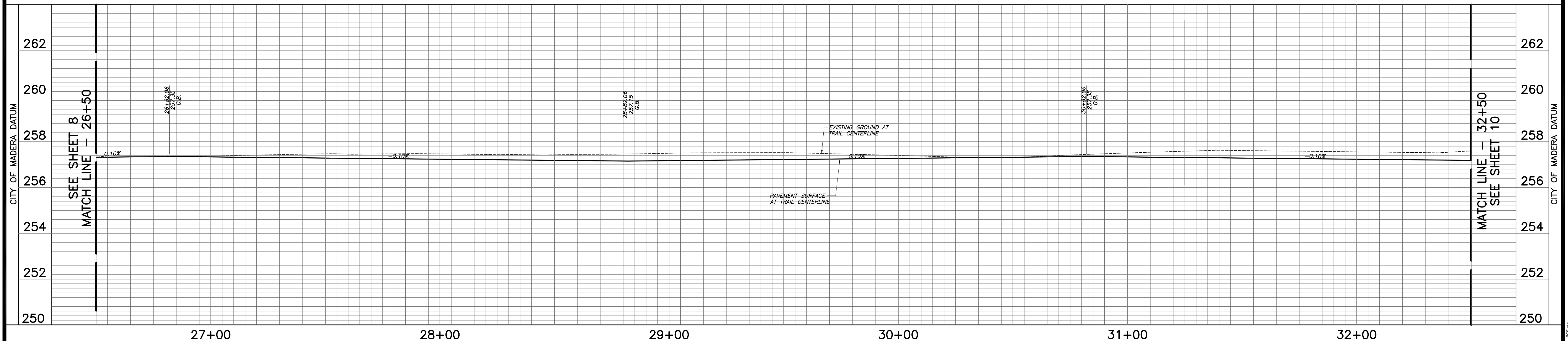
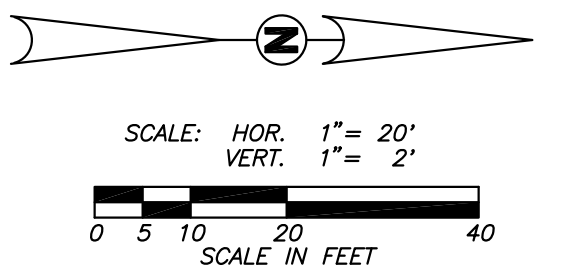
8 OF 21

JOB NO.



LAUREL STREET BIKE PATH ALIGNMENT

SEE SHEET 2 FOR
NOTES AND LEGEND



Know what's below.
Call before you dig.



Blair,
Church
& Flynn
CONSULTING ENGINEERS
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Clovis, California 93612
Tel: (559) 326-4400
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PREPARED BY:

CITY OF MADERA ENGINEERING DEPARTMENT 205 WEST 4th STREET MADERA, CALIFORNIA 93637			SHEET 9 OF 21 SHEETS	
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DRAWN BY JSD			CHECKED BY JOB	
CONST. DATES			INSPECTED BY	
CONTRACTOR			STARTED	COMPLETED
WORK ORDER NO.			DRAWING NO.	

PLAN AND PROFILE

9 OF 21

JOB NO.

Attachment B Cultural Resources Determination

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 14-SCAO-178

Project Name: City of Madera Laurel Street Bike Path, Madera County, California

NEPA Document: CEC-14-024

Project Manager/NEPA Contact: Ben Lawrence

MP 153 Cultural Resources Reviewer: Mark Carper

Determination: No Historic Properties Affected

Date: 9/8/2014

This proposed undertaking by Reclamation is to issue a perpetual land use authorization to the City of Madera to access Reclamation's right-of-way (ROW) to install, operate, and maintain a proposed bike trail. Reclamation's issuance of the land use authorization and use of Federal funding constitute an undertaking as defined in Section 301(7) of the NHPA (16 U.S.C. 470), as amended, and requires compliance with Section 106 of the NHPA.

The proposed project will include the construction of an asphalt bike bath, the planting of up to 141 trees, and the installation of a drip-line irrigation system. The path would be 10-feet wide and constructed of asphalt with 2-foot aggregate shoulders. Access from the south would be from an existing city sidewalk. Access from the north would be by way of the existing Fresno River trail. The city would plant approximately 141 trees along the length of the path. Trees would be planted in excavated pits 36-inches deep with 4-foot mulch circles at the surface. Trees within 5 feet of the bike path or water lines would have root barriers installed. Individual 1-3/4-inch drip lines would irrigate each tree. The drip lines would be tied in to a 4-inch primary irrigation line running the length of the bike path. The line would be buried 6 inches deep and would connect to an existing manhole at the south end of the project.

In an effort to identify potential historic properties within the APE, Reclamation conducted a record search at the Southern San Joaquin Information Center and an intensive pedestrian survey of the APE. No cultural resources were identified within the project APE.

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

Pursuant to 36 CFR § 800.3(f)(2) Reclamation identified the Big Sandy Rancheria, the Cold Springs Rancheria of Mono Indians, the North Fork Rancheria of Mono Indians, and the Table Mountain Rancheria as Indian tribes likely to have knowledge of historic properties or attach religious and cultural significance to historic properties within the APE. Reclamation sent letters to these tribes requesting their participation in the Section 106 process and assistance in identifying sites of religious and cultural significance of historic properties pursuant to 36 CFR § 800.4(a)(4). No such sites were identified.

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated July 23, 2014 requesting concurrence with a finding of no historic properties affected for the project. Pursuant to the regulations at 36 CFR §800.5(c), SHPO has 30 days from receipt to review an agency finding. The SHPO has yet to respond to Reclamation's finding of effect. If after 30 days the SHPO has not responded, the regulations state that "...the agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section" [§800.5(c)(1)]. Because the SHPO has failed to comment on Reclamation's finding within the period of time provided to them pursuant to the Section 106 regulations, Reclamation may move on to the next step of the Section 106 process. Reclamation has concluded the NHPA Section 106 process for this undertaking.

After reviewing CEC-14-024, dated April 2014, I concur with item #8 which states that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

Attachment C Indian Trust Assets Determination



Lawrence, Benjamin <blawrence@usbr.gov>

Request for Determinations, SCCAO CEC 14-024, City of Madera Laurel Street Bike Path

RIVERA, PATRICIA <privera@usbr.gov>

Fri, Apr 25, 2014 at 8:27 AM

To: "Lawrence, Benjamin" <blawrence@usbr.gov>

Cc: Mary Williams <marywilliams@usbr.gov>, Kristi Seabrook <kseabrook@usbr.gov>

Ben,

I reviewed the proposed action to approve the City of Madera's proposal to construct a new bike path adjacent to Laurel Street, from [Sunset Avenue to an existing trail at Riverview Drive, along the Fresno River](#). The path would be located in Reclamation Right of Way, so a land use authorization is required to permit them to construct and maintain the trail. See attached draft CEC and plans.

The proposed action does not have a potential to impact Indian Trust Assets.

Patricia Rivera
Native American Affairs Program Manager
US Bureau of Reclamation
Mid-Pacific Region
2800 Sacramento, California 95825
(916) 978-5194